

Appln. No. 10/796,215

Attorney Docket No. 10000-353
Client Reference No. PA-5377-RFB

II. Remarks

Claims 1-28 and 35 of the present application are pending and rejected. By this Paper, claims 1, 11, 15, 23, and 35 have been amended. With the amendments and remarks provided herewith, Applicants respectfully request reconsideration and withdrawal of all rejections to the claims.

Claim Objections

Claims 1, 11, 23, and 35 were objected to for informalities. Specifically, claims 1, 11, 23, and 35 all recite the soft pusher member positioned "at the acute bend in the body during deployment of the preloaded stent." The examiner asserts that the Applicant is claiming a body part. Accordingly, claims 1, 11, 23, and 35 have been amended to read "a soft pusher member adapted to be positioned at the acute bend in the body."

Rejections Under 35 U.S.C. § 112

Claim 23 is rejected under 35 U.S.C. §112, as having insufficient antecedent basis for the limitation "the acute bend." Accordingly, claim 23 has been amended to read "a soft pusher member adapted to be positioned an acute bend in the body" and now provides sufficient antecedent basis for "the acute bend."

Claim 15 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, claim 15 has been amended to read "a diameter equal to or greater than that of the stent preloaded in the introducer catheter."

Rejections Under 35 U.S.C. § 103

Responsive to the rejections of claims 1-28 and 35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,425,898 to Wilson (*Wilson*) in view of U.S. Patent No. 5,702,418 to Ravenscroft (*Ravenscroft*), the combination does not teach all of the elements of the claimed invention, and such combination and rejections are improper.

BRINKS
HOFER
GILSON
BLONE

Appln. No. 10/796,215

Attorney Docket No. 10000-353
Client Reference No. PA-5377-RFB

The combination of *Wilson* and *Ravenscroft* does not teach all of the elements of the claimed invention. For example, claim 23 recites that the second tubular portion has "a smaller diameter and a thinner wall than the first tubular portion for more flexibility." Neither *Wilson* nor *Ravenscroft*, alone or in combination, teaches a second tubular portion having a smaller diameter and a thinner wall than the first tubular portion for more flexibility. *Wilson* teaches a shaft of a uniform diameter and therefore is absent any teaching of a second tubular portion having a smaller diameter and a thinner wall than the first tubular portion. See *Wilson*, FIG. 5. *Ravenscroft* is absent any teaching of a second tubular portion having a thinner wall than the first tubular portion to improve flexibility.

Moreover, claim 35 recites that the second tubular portion is "extending along the entire length of the first tubular portion." Neither *Wilson* nor *Ravenscroft*, alone or in combination, teaches a second tubular portion extending along the entire length of a first tubular portion. *Wilson* teaches a shaft of a uniform diameter and therefore is absent any teaching of a second portion extending along the entire length of the first portion and *Ravenscroft* fails to cure such deficiency.

Furthermore, claims 1 and 11 have been amended to recite the soft pusher member "having a tapered proximal surface." Support for such amendments may be found in Figures 1-3 of the drawings and paragraph [0039] of the present application. Neither *Wilson* nor *Ravenscroft*, alone or in combination, teaches a soft pusher member having a tapered proximal surface. *Wilson* teaches a sleeve (21) which reinforces the stop (22) during deployment of the stent. See *Wilson*, FIG. 5 and col. 6, lines 11-15. While the sleeve is proximal to and smaller than the stop, the stop and sleeve are not tapered. Thus, *Wilson* fails to teach a soft pusher member having a tapered proximal surface and *Ravenscroft* fails to cure such deficiency. Thus, *Wilson* and *Ravenscroft*, alone or in combination, do not teach each of the elements as recited in the claimed invention.

The combination of *Wilson* and *Ravenscroft* is improper because the references inherently teach away from each other. The prior art must be considered in its entirety, including disclosures that teach away from the claims (M.P.E.P.

Appln. No. 10/796,215

Attorney Docket No. 10000-353
Client Reference No. PA-5377-RFB

§2143.02) and the proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference (M.P.E.P. § 2143.01. The problem presented in *Wilson* involves a physician's ability to view the targeted site of a stent, which is controlled by the injection rate of a radiopaque solution between a sheath, such as a guiding catheter, and the outer sheath of a delivery device. "A large outer sheath limits the amount of radiopaque solution which can pass through the guiding catheter, causing the physician to have a less clear image of the procedure." See col. 4, lines 8-20. The invention in *Wilson* solves this problem by increasing the clearance between the outer sheath and the guiding catheter through tapering or reducing the outer diameter of the outer sheath such that the outer sheath includes an enlarged diameter section and a reduced diameter section. The tapering of the outer sheath provides higher injection rates of radiopaque fluid, resulting in better images of the target site for the physician. See col. 7, lines 25-45. *Ravenscroft*, on the other hand, discloses an outer sheath (11) having a uniform outer diameter. Combining *Ravenscroft* with *Wilson* would defeat the solution presented in *Wilson* and cause the invention of *Wilson* to be ineffective or less effective. The outer sheath of *Ravenscroft* would limit the amount of radiopaque solution allowed to pass through the guiding catheter and thus render the invention of *Wilson* unsatisfactory for its intended purpose. Accordingly, the combination of *Wilson* and *Ravenscroft* is improper.

Claims 2-10, 12-22, and 24-28 depend generally from claims 1, 11, and 23. Thus, claims 2-10, 12-22, and 24-28 are allowable for the reasons provided above.

Therefore, claims 1-28 and 35 are in a condition for allowance and such action is respectfully requested.

Respectfully submitted,

January 10, 2008
Date
Lawrence G. Almeda (Reg. No. 46,151)BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(734) 302-6000BRINKS
HOFER
GILSON
& LIONE

-13-